

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15589 of 2019

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Santosh Kumar, S/o Sri Harsh Nath Jha, C/o Arvind Jha, R/o Dr. Rajni Gali,
Bajrang Path, Shiv Mandir, Bajrangpuri, Gulzarbagh, P.S.- Gulzarbagh, Patna
City, Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Chancellor of the Universities of Bihar through his Principal Secretary,
Raj Bhawan, Patna.
3. Aryabhatta Knowledge University, Patna through its Registrar.
4. The Vice-Chancellor, Aryabhatta Knowledge University, Patna, Bihar.
5. The Registrar, Aryabhatta Knowledge University, Patna, Bihar.
6. Magadh University, Bodh Gaya through its Registrar.
7. Dr. Ajay Pratap, S/o Sri Raghuvir Narayan Singh, R/o 201, Krishna Kunj
Apartment, East Boring Canal Road, P.S.- Budhha Colony, Patna at present
posted as Inspector of Colleges, Aryabhatta Knowledge University, Patna,
Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Advocate Mr. Arun Kumar Jha, Advocate Mr. Prashant Kumar, Advocate Mr. Arvind Kumar Sharma, Advocate
For the Respondents	:	Mrs. Shilpa Singh, G.A.-12 Mr. Ram Vinay Prasad Singh, A.C. to G.A. 12 Mr. Priyank Deepak, Advocate Mr. Syed Firoz Raza, Advocate Mr. Rajendra Kumar Giri, Advocate Mr. Raj Kamal, Advocate Mr. Md. Faiz Ahmad, Advocate Mr. Rajesh Roy, Advocate Mr. Rajeev Kumar Singh, Advocate Mr. Priya Ranjan Singh, Advocate Mr. Ritesh Kumar, Advocate Mr. Amit Kumar Singh, Advocate Mr. Chakrapani, Advocate Mr. Rakesh Kumar Singh, Advocate
For Private Respondent No. 7 :		Mr. S.D. Sanjay, Sr. Advocate Mr. S.S. Sundaram, Advocate
For the Chancellor	:	Mr. Rana Vikram Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT



(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-08-2023

1. The question arose as to whether the 7th Respondent was entitled to hold the post of Inspector of Colleges in the Aryabhatta Knowledge University, Patna, Respondent No. 3. This Court by Order No. 3 on 09.12.2019 on a *prima facie* consideration directed that the work allotted to the 7th Respondent will stand withdrawn. Later by Order No. 7 on 24.03.2021 a question was raised as to whether the 7th Respondent has obtained a degree in M.Sc. (Mathematics) from the Magadh University or not? The Vice Chancellor of the Magadh University was also directed to file a personal affidavit clarifying the same.

2. The Vice Chancellor of the Magadh University has filed a counter affidavit dated 23.10.2019 in which it has been stated that the Examination Department of Magadh University verified the mark-sheet of the 7th Respondent with Roll No. PAT-3105, Registration No. 8208/83 of 1987, examination held in January, 1989. It is also stated that as per record the Roll No. 3105 belongs to another student namely Ravi Ranjan with Registration No. 2541/86 and marks shown 554 in the Tabulation Register. The mark-sheet and Provisional Certificate submitted is stated to be not issued by the Magadh University. It



is also stated that the Aryabhata Knowledge University has been informed of the same by the Magadh University vide its Letter No. CE/VER/01/19 dated 03.01.2019, annexed as Annexure-6 to the writ application.

3. Shri S.D. Sanjay, learned Senior Counsel appearing on behalf of the Private Respondent No. 7 submits that there was a further representation given to the Vice Chancellor of the Magadh University in which the Vice Chancellor had taken a different view. It is also submitted that the Vice Chancellor of the Magadh University is now implicated in a case of fraud and embezzlement.

4. In any event, we notice that none of these facts are placed on record by the 7th Respondent despite the affidavit of the Vice Chancellor of the Magadh University having been filed on 23.10.2019. In such circumstances, we will not go into the contentions so raised.

5. We also notice that the 3rd Respondent has already dismissed the 7th Respondent from its service. The 7th Respondent challenged the same before this Court and this Court relegated the 7th Respondent to the appellate remedy. The 7th Respondent is said to have filed an appeal before the Chancellor which is pending consideration.



6. Learned counsel for the petitioner Shri Dinu Kumar submits that in fact if the appointment of 7th Respondent is found to be illegal, the entire remuneration given to him has to be withdrawn. However, we are not at this stage considering such matters, especially since an appeal is pending before the Chancellor.

7. We make it clear that whatever we have stated in the judgment is only a reflection of the averments made by the respective parties. It is for the Chancellor to consider the appeal in accordance with law.

8. The writ petition is closed with the above reservation.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	16.08.2023
Transmission Date	

